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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CIVIL ACTION  
1:05-CR-10022

VERSUS

JAMES BERNIS MIDKIFF

JUDGE DEE D. DRELL  
MAGISTRATE JUDGE JAMES D. KIRK

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. §2253, hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

The certificate of appealability is GRANTED for the following reasons:

The applicant has made a substantial showing that the following constitutes a denial of a constitutional right.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 26 <sup>72</sup>  
day of JULY, 2011.

UNITED STATES DISTRICT JUDGE